

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SKYWARD BOUND RANCH,

Plaintiffs,

v.

CITY OF SAN ANTONIO,

Defendant.

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CIVIL ACTION NO.

SA-10-CV-0316 XR

**ORDER DENYING MOTION FOR LEAVE TO PROPOUND DISCOVERY OUT OF
TIME OR FOR EXTENSION OF DISCOVERY DEADLINE (Docket entry 75)**

The matter before the Court is plaintiff's motion for leave to file interrogatories, requests for production and requests for admission outside of the discovery deadline or for an extension of the discovery deadline (docket entry 75). Also before the Court is defendant's response.


By its motion plaintiff asks the Court to either allow discovery which is characterized as being out of time or to extend the discovery deadline 10 days. The motion was filed on January 11th. The discovery deadline did not expire until January 31. Accordingly, the discovery was propounded within the deadline. Nevertheless, implicit in plaintiff's motion is the request for permission to compel defendant to respond to discovery filed close to the expiration of the deadline...which necessarily requires an extension of the deadline. The pending motion was filed before the deadline expired. Therefore the motion may be granted upon a showing of good cause. F.R.Civ.P. 6(b)(1).

As reason for the motion plaintiff complains about the substance of defendant's initial disclosures. However, those disclosures were served in September and no motion to compel directed to those disclosures was filed until very recently. Plaintiff filed this case in April and the

original discovery deadline was December 9. Plaintiff fails to explain any reason for waiting until January 11 to propound discovery. Failing to demonstrate good cause for the requested extension, the motion is DENIED.

It is so ORDERED.

SIGNED on February 11, 2011.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", is written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE